MONTANA LEGISLATIVE HISTORY

Chapter 84 1985

Bill H _____ S 78 Original bill & history ____C

H. Committee on State Admin.			S. Committee on State Admin.		
Hearing Date(s)	Mar 07	✓ C	Hearing Date(s)	Jan 15	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Mar 07	✓ C		Jan 15	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

SB 76 INTRODUCED BY HALLIGAN
COUNTY CONSOLIDATED SERVICES LEVY

1/07	INTRODUCED		
1/07	REFERRED TO TAXATION		
1/23	HEARING		
2/04	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/06	2ND READING PASS	32	16
2/08	3RD READING PASS	38	10
	TRANSMITTED TO HOUSE		
2/27	REFERRED TO LOCAL GOVERNMENT		
3/21	HEARING		
	DIED IN COMMITTEE		

SB 77 INTRODUCED BY JACOBSON
JULY 1 DEADLINE FOR PROPOSALS FOR ACQUIRING PARK PROPERTY

1/07	INTRODUCED		
1/07	REFERRED TO LONG RANGE PLANNING		
1/08	REREFERRED TO FISH & GAME		
1/17	HEARING		
1/17	COMMITTEE REPORT-BILL DO PASS		
1/19	2ND READING PASS	42	0
1/22	3RD READING PASS	48	0
	TRANSMITTED TO HOUSE		
1/23	REFERRED TO APPROPRIATIONS		
3/27	HEARING		
3/28	HEARING		
4/01	COMMITTEE REPORT-BILL CONCURRED		
4/03	2ND READING CONCURRED	98	0
4/04	3RD READING CONCURRED	92	0
	RETURNED TO SENATE		
4/20	SIGNED BY PRESIDENT		
4/22	SIGNED BY SPEAKER		
4/23	TRANSMITTED TO GOVERNOR		
4/30	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 637 EFFECTIVE DATE: 10/01/85		

SB 78 INTRODUCED BY TVEIT, AKLESTAD, ET AL.
EXEMPTING CERTAIN FIRE DEPARTMENT RELIEF ASSOCIATIONS FROM AUDIT

1/07	INTRODUCED		
1/07	REFERRED TO STATE ADMINISTRATION		
1/15	HEARING		
1/15	COMMITTEE REPORT-BILL PASS AS AMENDED		
1/17	2ND READING PASS	47	0
1/19	3RD READING PASS	41	0
	TRANSMITTED TO HOUSE		
1/21	REFERRED TO STATE ADMINISTRATION		
3/07	HEARING		
3/07	COMMITTEE REPORT-BILL CONCURRED		
3/09	2ND READING CONCURRED	96	0

SENATE FINAL STATUS

3/11	3RD READING CONCURRED	94	1
	RETURNED TO SENATE		
3/15	SIGNED BY PRESIDENT		
3/15	SIGNED BY SPEAKER		
3/15	TRANSMITTED TO GOVERNOR		
3/18	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 84 EFFECTIVE DATE: 3/18/85		

SB 79 INTRODUCED BY CHRISTIAENS
LICENSURE AND REGULATION OF OCCUPATIONAL THERAPISTS

1/07	INTRODUCED		
1/07	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/08	FISCAL NOTE REQUESTED		
1/11	HEARING		
1/12	FISCAL NOTE RECEIVED		
1/25	COMMITTEE REPORT-BILL PASS AS AMENDED		
1/25	STATEMENT OF INTENT ATTACHED		
1/28	2ND READING PASS AS AMENDED	48	0
1/30	3RD READING PASS	40	9
	TRANSMITTED TO HOUSE		
2/27	REFERRED TO BUSINESS & LABOR		
3/08	HEARING		
3/11	COMM REPORT-BILL CONCURRED AS AMENDED		
3/13	2ND READING CONCURRED	79	18
3/15	3RD READING CONCURRED	84	14
	RETURNED TO SENATE WITH AMENDMENTS		
3/19	2ND READING AMENDMENTS CONCURRED	50	0
3/21	3RD READING AMENDMENTS CONCURRED	47	0
3/26	SIGNED BY PRESIDENT		
3/26	SIGNED BY SPEAKER		
3/26	TRANSMITTED TO GOVERNOR		
3/29	RETURNED WITH GOVERNOR'S AMENDMENTS		
4/02	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	50	0
4/04	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	49	0
	TRANSMITTED TO HOUSE		
4/09	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	94	2
4/10	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	95	3
	RETURNED TO SENATE		
4/20	SIGNED BY PRESIDENT		
4/22	SIGNED BY SPEAKER		
4/23	TRANSMITTED TO GOVERNOR		
4/25	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 629 EFFECTIVE DATE: 10/01/85		

SB 80 INTRODUCED BY JACOBSON
REVISE PENALTY FOR FIRST VIOLATION OF CHILD SAFETY RESTRAINT LAW

SENATOR HAFFEY told the Committee that the members would work on some language regarding SENATOR LYNCH's proposal and that they would have executive action on Friday. SENATOR HAFFEY closed SENATE BILL 11.

SENATE BILL 78: SENATOR TVEIT presented SENATE BILL 78 saying, it is an act entitled, "AN ACT TO EXEMPT FIRE DEPARTMENT RELIEF ASSOCIATIONS HAVING ANNUAL RECEIPTS OF LESS THAN $20,000 FROM AUDIT BY THE DEPARTMENT OF COMMERCE; AMENDING SECTION 2-7-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." I have been told that in order to make it consistent, we have to amend page 3, line 2 following $20,000 to read, except for audits as provided under 19-11-206. We wish to relieve fire department relief associations from having to pay for an audit by the Department of Commerce.

PROPONENTS: Art Korn, Montana State Volunteer Fire Association, said that they thought the 1983 amendment which exempted fire districts from the audit requirement would cover relief associations as well, but the Department of Commerce felt relief associations were still covered. He felt that someone with a small budget shoul not have to pay $600.00 to be audited, such as Westby and Froid. He says there has never been an incidence of a volunteer fire depar ment misappropriating funds. Some place like Westby he said only writes about 12 checks a year and it shouldn't have to be audited.

OPPONENTS: There were no opponents.

SENATOR LYNCH wanted to know if this had any effect on the legislative audit. Mr. Korn said it did. SENATOR LYNCH asked if they were getting audited twice. Mr. Korn said yes. SENATOR HAFFEY asked where they got their money, and Mr. Korn said they got part of the fire premiums that the cities paid and some contributions. SENATOR HIRSCH wanted to know if $20,000 is a realistic figure and SENATOR TVEIT said yes.

SENATOR HAFFEY asked the Committee to act on SENATE BILL 78. SENATOR MANNING made a motion that SENATE BILL 78 be amended as suggested. SENATOR HIRSCH called question and it was passed unanimously. SENATOR MANNING made a motion that SENATE BILL 78 DO PASS AS AMENDED, and it was unanimously passed.

SENATE BILL 8: SENATOR HAFFEY read the amendments so everyone would understand them. SENATOR MANNING made a motion that this bill pass as amended. It was unanimously passed with SENATOR TVEIT voting no on SENATE BILL 8. SENATE BILL 8 was PASSED AS AMENDED.

SENATE BILL 9: SENATOR LYNCH moved that SENATE BILL 9 DO PASS. SENATOR MANNING called question and the bill was passed unanimously

SENATORY HAFFEY announced that we would have executive action Friday on SENATE BILLS 10 and 11.

The meeting was adjourned at 11:20

Jack Haffey.

SENATOR JACK HAFFEY, CHAIRMAN

ROLL CALL

STATE ADMINISTRATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date

NAME	PRESENT	ABSENT	EXC
SEANTOR JACK HAFFEY, Chairman	✓		
SENATOR LES HIRSCH, Vice-Chairman	✓		
SENATOR JOHN ANDERSON	✓		
SENATOR MAX CONOVER	✓		
SENATOR WILLIAM FARRELL	✓		
SENATOR ETHEL HARDING	✓		
SENATOR J. D. LYNCH	✓		
SENATOR DICK MANNING	✓		
SENATOR JOHN MOHAR	✓		
SENATOR LARRY TVEIT	✓		

DATE Jan. 15, 1985

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check Support
ART KOBN	MONT STATE VOL FIRE ASSOC	78	✓
R. A. Ellis	West Helena Vol Fire Dept	78	✓
Bonnie Finns	Peace Lodge Lutine Coalition	10 & 11	
Carol Daly	MT Con. Dev. Coalition	11	✓
JAMES R. PENNER	Board of Investments	10, 11	✓
JAMES R. HOWETH	" " "	"	✓
Diane Donnelly	Mont Assoc of Counties		

(Please leave prepared statement ...)

Exhibit
SB-7
1-15-

SB78

1. Page 3, line 2.
Following: "$20,000"
Insert: ", except ~~as provided~~ for audits as provided under 19-11-206"

STANDING COMMITTEE REPORT

January 15 19

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE BILL No. 7

first reading copy (white color)

EXEMPTING CERTAIN FIRE DEPARTMENT RELIEF ASSOCIATIONS FROM AUDI

Respectfully report as follows: That SENATE BILL No. 7

be amended as follows:

1. Page 3, line 2.
Following: "$20,000"
Insert: ", except for audits as provided under 19-11-206"

AND AS AMENDED

~~DO PASS~~

~~XXXXXXXX~~
~~DO NOT PASS~~

Chairman

dw

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 7, 1985

The meeting of the State Administration Committee was called to order by Chairman Sales at 9:00 a.m. in Room 317 of the State Capitol on the above date.

ROLL CALL: Sixteen members present with Rep. Janet Moore absent and Rep. Pistoria excused for another meeting.

CONSIDERATION OF SENATE BILL NO. 115: Sen. Dick Manning, District #18, sponsor of the bill, said it would remove the mandatory and compulsory retirement from the statutes. There is no cost to this bill and perhaps there could be a savings. Most people retire before the mandatory age anyway. Failure to remove this from the statutes would place it in opposition to the Court's decision.

PROPONENTS: Larry Natscheim, Administrator of the Public Employees' Retirement Board, said it is a matter of having the statutes reflect what the Supreme Court said on the question of mandatory retirement. His prepared testimony is attached as Exhibit #1.

OPPONENTS: There were no opponents.

There being no questions from the Committee, Sen. Manning closed without further comment.

CONSIDERATION OF SENATE BILL NO. 78: Sen. Larry Tveit, Senate District #11, sponsor, said this bill would exempt fire department relief associations with annual receipts less than $20,000 from state audit.

PROPONENTS: Art Korn, Secretary-Treasurer of the Montana State Firemen's Association, told the Committee that they thought this had been accomplished at the 1983 Legislature, however, this was not so. He cited the case of Froid, with a budget of $14,000, having to pay $600 plus for their audit. They were asking that it carry across the board to include the relief associations in third class cities, however, the larger cities should be audited.

Rep. Ray Harbin, proponent of the bill, said he had been the manager of the fire department pension fund for 15 years. Their income was $3500 and they paid $500 for their audit.

Ross Fitzgerald, Montana Volunteer Firemen's Assocaition, spoke in favor of the bill. His prepared testimony is attached as Exhibit #2.

OPPONENTS: There were no opponents to SB 78.

DISCUSSION OF SENATE BILL NO . 78: Rep. Jenkins asked a question concerning the language on page 3, line 21, to which Mr. Korn replied that if an association's budget reaches $18-19,000, and they feel they should have an audit, they may do so, and the State is willing to conduct that audit.

In closing, Sen. Tveit said he thought it was a good bill that clears up some of the language in the statutes.

CONSIDERATION OF SENATE BILL NO. 13: Sen. Pete Story, sponsor, said that this bill was asked for and introduced at the request of the Administrative Code Committee. He said that page 3, line 6, clarifies that "agency" does not include a school district unit of local government, or any other political subdivision of the state. This was brought about by the interpretation of a local district court that said schools were to follow the Administrative Procedures Act. This interpretation would put a burden on all local governments and districts. It is necessary for the state agencies but we should not expect the local governments to conform to this.

PROPONENTS: There were no proponents.

OPPONENTS: There were no opponents.

DISCUSSION OF SENATE BILL NO. 13: Chairman Sales asked what type of problem prompted the case that was taken to court. Chip Erdmann, Montana School Board Association, said in the case of Taylor v. School District, concerning the termination of a tenured teacher, the court determined that the MAPA applied to local county superintendents of schools. A subsequent case that went to court asked that they reverse themselves. The court again came out with that decision. However, the State Superintendent of Public Instruction has promulgated rules that differ from the MAPA and puts the school districts in a spot. Mr. Erdmann explained the difference in the procedures between the MAPA and the Superintendent's rules. They are very similar and the Superintendent's rules probably give more rights to the parties. There are above five appeals that can be taken.

Mr. Erdmann also explained the process of terminating a tenured teacher such as notification, they then request a hearing before the school board, etc., and on through the process. It is a cumbersome system and in some cases has taken 5-7 years to settle. They are currently questioning which rules they shoudl follow. This bill would add some certainty to the area. No matter which set of rules they follow, they are leaving themselves open to a challenge.

In closing, Sen. Story said there is the possibility that whichever set of rules are used, the individual could sue and say that the other set shoudl have been followed. That is the reason for this bill. He asked that Gary Spaeth carry the bill on the

floor as he is familiar with the bill.

While waiting for Sen. Towe to present his bill the Committee took executive action on the following bills.

DISPOSITION OF SENATE BILL NO. 115: Rep. Peterson moved that SB 115 BE CONCURRED IN, seconded by Rep. Fritz. The motion CARRIED UNANIMOUSLY. Rep. Nelson will carry the bill.

DISPOSITION OF SENATE BILL NO. 78: Rep. Harbin moved that SB 78 BE CONCURRED IN, seconded by Rep. Cody. The motion CARRIED UNANIMOUSLY. Rep. Harbin will carry the bill.

CONSIDERATION OF SENATE BILL NO. 24: Sen. Tom Towe, Senate District #46, sponsor, said this bill came out of the Select Committee on Indian Affairs and said that there are problems of Indian jurisdiction coming up. Indian nations are separate sovereign nations so there are problems in providing services on the reservations. Agreements are entered into between the county, cities, State or State agencies and a tribe and this helps to provide services. He said there are a large number of items that need to be handled. This bill addresses who would administer these agreements. He said if the stricken material is read very carefully that affects everything and there isn't anything left. This language is being stricken and reworded so they can do it differently. He explained the language being inserted on page 1, lines 17-22. This bill encourages them to deal in substantive matters that can be mutually agreed upon.

PROPONENTS: Gary Kimbel, on behalf of Louis Clayborn, Coordinator of Indian Affairs, read Mr. Clayborn's prepared testimony which is attached as Exhibit #4. He said they do support this bill to allow governmental cooperation between the State and tribes.

Rep. Dorothy Cody wished to be on the record as a proponent of SB 24 as did Rep. Ray Harbin and Roland Kennerly.

OPPONENTS: There were no opponents.

DISCUSSION OF SENATE BILL NO. 24: There were no questions from the Committee.

Without further comment, Sen. Towe closed.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 23: Sen. Jack Haffey, Sen. District #33, sponsored the Resolution asking that Congress and the President take a role on behalf of the United States in pursuing peace in Ireland. Because this country has benefited so greatly from these two nations, we have a responsibility to pursue the peace process in Ireland.

(Type in committee members' names and have so printed as usual.)

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/7/85

NAME	PRESENT	ABSENT	EXCUSE
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliday, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet			
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul			
Smith, Clyde	✓		

Please attach to minutes.

06 MARCH, 1985

REPRESENTATIVE WALTER SALES
CHAIRMAN,
STATE ADMINISTRATION COMMITTEE
HOUSE OF REPRESENTATIVES
CAPITOL STATION
HELENA, MONTANA 59601

MR. CHAIRMAN:

The Montana State Volunteer Firefighters Association goes on record as supporting SENATE BILL NO. 78, "AN ACT TO EXEMPT FIRE DEPARTMENT RELIEF ASSOCIATIONS HAVING ANNUAL RECEIPTS OF LESS THAN $20,000.00 FROM AUDIT BY THE DEPARTMENT OF COMMERCE; AMENDING SECTION 2-7-503, AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Reasons of Support:

1. Cost of state audits can run 20-30% of total receipts depending on location and time.

2. In-house audit can be just as effective and accurate for public review and inspection of these small relief associations.

3. It was an inadvertant oversight last legislature (1983) that fire dept. relief associations were left out of the original change.

We would appreciate your positive consideration for a do-pass recommendation on SB 78.

THANK YOU.

Maintaining as,

ROSS H. FITZGERALD
LOBBYIST,
MT. ST. VOL. FIREFIGHTERS ASS'N
R.R. # 5929
GREAT FALLS, MONTANA 59401
453-6431 (home), 463-2343 (farm)

LYLE NAGEL
LOBBYIST
MT. ST. VOL. FIREFIGHTERS ASS'N
P.O. BOX 93
SIMMS, MONTANA 59477
264-5151 (home)

VISITORS' REGISTER

_____ COMMITTEE

BILL NO. SB 78 DATE 3/07/85

SPONSOR TVEIT

NAME (please print)	RESIDENCE	SUPPORT	OPPO
ART KORN	1914 Sherman Butte	✓	
ROSS H. FITZGERALD	MONT. ST. VOL. FIREFIGHTERS ASS'N GREAT FALLS POWER	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

March 7 19 85

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 78

Third reading copy (Blue color)

EXEMPTING CERTAIN FIRE DEPARTMENT RELIEF ASSOCIATIONS FROM AUDIT

Respectfully report as follows: That SENATE Bill No. 73

BE CONCURRED IN

~~DO PASS~~

Walter R. Sales, Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY